

REMARKS

Applicant respectfully requests re-consideration in view of the arguments presented below.

Summary of Office Action

Claims 1-23 are pending.

Claims 1-23 were provisionally rejected under a non-statutory obviousness-type double patenting rejection.

Missing Initialed Citations for Previously Submitted Information Disclosure Statement

Applicant submitted an Information Disclosure Statement on July 11, 2004. PAIR reflects that the Information Disclosure Statement and applicant's previously cited references were submitted. There is no indication, however, that the Examiner has considered any of these references. Applicant respectfully requests the Examiner to consider the previously cited references and to return a copy of the relevant portion of the Information Disclosure Statement with the citations initialed to indicate such consideration.

Response to Provisional Non-Statutory Obviousness-Type Double Patenting Rejection

Claims 1-23 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over co-pending application 10/750,414.

Applicant respectfully submits that requiring a terminal disclaimer in the present case is not warranted at this time. Even if the subject matter of the two applications were such that a terminal disclaimer were required, applicant submits that the other application ('414) has yet to even be examined as of March 5, 2006.

Given that the provisional rejection is the only rejection in the present application and that the application to be disclaimed against has not been allowed or even examined, applicant respectfully requests the Examiner to withdraw the provisional rejection and permit the present application to proceed to allowance.

Conclusion

In view of the amendments and arguments presented above, applicant respectfully submits the applicable rejections and objections have been overcome. Accordingly, claims 1-23 should be found to be in condition for allowance.

If there are any issues that can be resolved by telephone conference, the Examiner is respectfully requested to contact the undersigned at (512) 858-9910.

Respectfully submitted,

Date

March 6, 2006

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